

### REMARKS

Claims 1, 4, 7-9, 11-14, 24 and 27 remain pending in this application.

Claims 1 and 27 have been amended, without prejudice or disclaimer, to delete the embodiments wherein ring A is a 7-membered aromatic heterocyclic group.

Claim 24 has been amended, without prejudice or disclaimer, to delete reference to all disorders except diabetes type 2.

Claims 15-20, 22 and 26 have been canceled without prejudice or disclaimer.

Accordingly, no new matter has been introduced by these amendments.

### Interview

Applicants acknowledge, with appreciation, the personal interview conducted with Examiner Jarrell on October 8, 2009. During the interview, each of the rejections in the Final Office Action were discussed and amendments were proposed to claims 1, 24, and 27, claims 15-20 and 26 were proposed to be canceled, and claim 29 was proposed to be added. Examiner Jarrell, after consultation with his supervisor, considered the amendments to overcome all grounds of rejection except claim 22. In order to advance prosecution of this application, claim 22 has been canceled and claim 29 has not been added by this amendment.

### Rejection: 35 U.S.C. § 112, first paragraph

Claims 1, 4, 7-9, 11, 12, 14-20, 22, 24, 26 and 27 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for 5 to 6-membered aromatic heterocyclic rings and groups (I) to (20), and (22) to (23) as substituents for ring A of formula (I), does not reasonably provide enablement for 7-membered heterocyclic aromatic rings. While not acquiescing to the propriety of this rejection, applicants have deleted the embodiments from the rejected claims where ring

A is a 7-membered heterocyclic aromatic ring to expedite prosecution of this application. Accordingly, this rejection should be withdrawn.

Claims 22, 19, 24 and 26 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for the in vitro binding of compounds of the instant application to  $^{125}\text{I}$ -somatostatin, does not reasonably provide enablement for treatment of any disorder linked to inhibition of somatostatin. This rejection has been rendered moot as to claims 19, 22 and 26 by cancellation of these claims without prejudice or disclaimer. Claim 24 has been amended to delete reference to diseases other than diabetes type 2. It is respectfully submitted that the present specification does contain an enabling disclosure for the treatment of diabetes type 2. As noted by Boehm et al., cited by both the Examiner and applicants in the previous reply, type 2 diabetes is the most common form of diabetes in adults (p. 494), Boehm et al. also describes the correlation between inhibition of somatostatin (SMS) receptor binding and treatment of diabetic complications (p. 498 - treatment with SMS analogue octreotide retarded progression of advanced diabetic retinopathy).

According to Boehm et al., SMS inhibits the release of growth hormone (p. 494). Diabetes mellitus is characterized by imbalances of multihormonal systems including growth hormone and IGF-1, while SMS and SMS analogs suppress the secretion of growth hormone and reduce the level of IGF-1 (p. 493). SMS and SMS analogs "inhibit insulin secretion." (p. 494). Applicants' claimed compounds inhibit the binding of SMS to its receptor. Specification at 1. By inhibiting this binding interaction, endogenous SMS is prevented from decreasing the levels of growth hormone, IGF-1 and/or insulin. The ability to increase the levels of these hormones would be expected to afford

benefits in the treatment of diabetes type 2. Accordingly, this rejection should be withdrawn as to amended claim 24.

Rejection: § 112, 2d paragraph

Claims 19 and 24 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as their invention. Claim 19 has been canceled and claim 24 has been amended to delete reference to "Doan syndrome." Accordingly, this rejection should be withdrawn.

Double Patenting

Claims 15-20 are objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 14. Although these claims do not raise an issue of double patenting, they have been canceled in the interest of advancing prosecution of this application.

Prompt and favorable reconsideration of this application is respectfully requested, and timely issuance of a notice of allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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